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 and as trustee for the General Unsecured
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 Corporation, and on behalf of and in the name
 of the At Home Liquidating Trust of At Home
 Corporation

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Attorneys for Defendant
 MICROSOFT CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

HANK SPACONE, on behalf of and as
 Trustee for the General Unsecured Creditors'
 Liquidating Trust of At Home Corporation, and
 on behalf of and in the name of the At Home
 Liquidating Trust of At Home Corporation,

Plaintiff,

v.

MICROSOFT CORPORATION

Defendant/Counterclaim Plaintiff,

v.

HANK SPACONE, on behalf of and as
 Trustee for the General Unsecured Creditors'
 Liquidating Trust of At Home Corporation, and
 on behalf of and in the name of the At Home
 Liquidating Trust of At Home Corporation,
 and JACQUELYN CRAWFORD, as Trustee
 for the At Home Liquidating Trust of At Home
 Corporation

Counterclaim Defendants.

Case No. C 03 4739 CW

**STIPULATION AS TO DEFENDANT
 MICROSOFT CORPORATION'S BILL
 OF COSTS**

1 Plaintiff/Counter-Claim Defendant HANK SPACONE, on behalf of and as Trustee for the
 2 General Unsecured Creditors' Liquidating Trust of At Home Corporation, and on behalf of and in the
 3 name of the At Home Liquidating Trust of At Home Corporation (collectively "Plaintiff"), and
 4 Defendant MICROSOFT CORPORATION ("Defendant"), by and through their attorneys of record,
 5 hereby enter into the following stipulation regarding Microsoft's Bill of Costs.

6 1. On March 10, 2006, the Court entered its Order and Judgment on the parties' Cross-
 7 Motions for Summary Judgment. [Docket Nos. 242-43.] This Order permits Defendant to recover its
 8 costs from Plaintiff.

9 2. On March 20, Plaintiff submitted its Motion to Alter or Amend Judgment Pursuant to
 10 Fed. R. Civ. P. 59(e). [Docket No. 247.]

11 3. On March 24, Defendant submitted its Bill of Costs totaling \$ 67,174.19. [Docket No.
 12 251.]

13 4. Over the course of April 3 through April 10 the parties met and conferred regarding
 14 Plaintiff's objections to Defendant's Bill of Costs. Pursuant to those discussions, the parties have
 15 agreed to a stipulated total costs figure of **\$ 47,422.86**.

16 5. The parties have also agreed to stay Plaintiff's payment obligation pending resolution
 17 of Plaintiff's Rule 59(e) motion. Should Defendant still be entitled to recover costs following
 18 resolution of that motion, then Plaintiff's payment obligation will come due within fourteen (14) days
 19 after entry of the Court's order or judgment on the motion. However, Plaintiff expressly reserves its
 20 right to move the Court for a stay of its obligation to pay those costs pending appeal.

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1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.
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3 DATED: April 10, 2006
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NIXON PEABODY LLP

5 By: 

6 Glenn E. Westreich

7 Patrick T. Michael

8 Beth L. Mitchell

9 Paul E. Stinson

10 Attorneys for Plaintiff/Counter Defendant HANK

SPACONE, on behalf of and as trustee for the

General Unsecured Creditors' Liquidating Trust

of At Home Corporation, and on behalf of and in

the name of the At Home Liquidating Trust of At

Home Corporation

11 DATED: April 10, 2006
12

FISH & RICHARDSON P.C.

13 By: 

14 Jennifer K. Bush

15 Attorneys for Defendant/Counter Plaintiff

16 MICROSOFT CORPORATION
17

18 **ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED

20 4/18/06

21 DATED: _____
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23 Honorable Claudia Wilken

24 United States District Judge

25 Northern District of California
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